

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Arrest Date: October 6, 2017

UNITED STATES OF AMERICA
Plaintiff,

vs.

Edgar Nathanael Rubio-Mejia,
A208 972 497
Defendant

)
) Magistrate's Case No. 17-6402-MJ
)
) COMPLAINT FOR VIOLATION OF
) Title 21 U.S.C. §§ 841
) Controlled Substance With Intent to Distribute
) Count One
)
) Title 8 U.S.C. § 1326(a)
) Illegal Reentry
) Count two
)

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

COUNT ONE

On or about October 6, 2017, within the District of Arizona, the defendant, EDGAR NATHANAEL RUBIO-MEJIA, knowingly and intentionally possessed with intent to distribute 100 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B)(vii).

COUNT TWO

EDGAR NATHANAEL RUBIO-MEJIA, an alien, was found in the United States of America at or near Sentinel, Arizona on or about October 6, 2017, after having been previously denied admission, excluded, deported, and removed from the United States at or near Dallas, Texas, on or about March 31, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and enhanced by (b)(1).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Reviewed by: SAUSA Ryan Goldstein

Testimony Sworn

Christopher M. Baugh
Border Patrol Agent

4:15 P.M.

Sworn to by telephone, October 7, 2017.

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David K. Duncan
United States Magistrate Judge

UNITED STATES OF AMERICA

vs.

Edgar Nathanael Rubio-Mejia

STATEMENT OF FACTS

I, Christopher M. Baugh, being duly sworn, do state the following

On October 6, 2017, Supervisory Border Patrol Agent (SBPA) Christopher Coleman and Border Patrol Agent (BPA) Jose Mendez were assigned to the Wellton Border Patrol Station. While checking a known location for alien and narcotic smuggling at approximately mile marker 91 on Interstate 8, SBPA Coleman found a total of seven (7) packs of what they suspected to be marijuana.

SBPA Coleman and BPA Mendez began to search the area for any possible subjects in the area. The agents located footprints that appeared to leaving the area of where the seven packs were located. The agents followed the footprints approximately two miles north of Interstate 8. The agents were notified that a rotary helicopter, call sign Omaha 6BP, was in the area to assist in the search. BPA Ricardo Pena, who was operating a Forward Looking Infrared Camera, began searching the area as well.

BPA Pina was able to see several subjects attempting to conceal themselves in brush located northeast of SBPA Coleman and BPA Mendez. Using his service radio, BPA Pina notified the agents and Omaha 6BP of the subjects he had observed. Omaha 6BP notified the agents that he had visual of several subjects attempting to conceal themselves in brush that was in direct line from where they were following footprints.

Rubio-Mejia was apprehended along with six other subjects, in close proximity of seven (7) bundles of marijuana, weighing approximately 301.30 pounds. In a subsequent post Miranda interview, Rubio-Mejia said he was responsible for carrying ten (10) kilograms of marijuana in exchange for his passage into the United States. Rubio-Mejia claimed the other six subjects in his group were carrying approximately twenty-five (25) kilograms of marijuana each.

Based on my training and experience, the area where Rubio-Mejia was apprehended is a remote area, and a known drug trafficking corridor. Rubio-Mejia was encountered in a remote area in the desert, using tactics commonly used by drug trafficking organizations operating in Gila Bend, AZ.

Immigration history checks revealed Edgar Nathanael Rubio-Mejia to be a citizen of Mexico and a previously deported criminal alien. Rubio-Mejia was removed from the United States to Mexico through Dallas, Texas, on or about March 31, 2017, pursuant to the reinstatement of a removal order issued by an immigration official. There is no record of Edgar Nathanael Rubio-Mejia in any Department of Homeland Security database to suggest that Rubio-Mejia obtained

permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Rubio-Mejia's immigration history was matched to him by electronic fingerprint comparison.

Criminal history checks revealed that Edgar Nathanael Rubio-Mejia was convicted of Driving While Intoxicated, a felony offense, on September 9, 2016, in the Criminal District Court of Dallas County. Rubio-Mejia was sentenced to one (1) year in prison and two (2) years of probation. Rubio-Mejia's criminal history was matched to him by electronic fingerprint comparison.

While at the Wellton Station, a field test was conducted on the suspected marijuana. The seized substance tested positive for the characteristics of marijuana.

Based upon the foregoing, there is probable cause to believe that the defendant committed the offense as alleged in the Complaint.

Telephonically Sworn

Christopher M. Baugh
Border Patrol Agent

Sworn to by telephone, October 7, 2017.

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4:15 P.M.



David K. Duncan
United States Magistrate Judge